

COURSE WORK FORMAT

School of International Studies **CENTRE FOR INTERNATIONAL LEGAL STUDIES**

Course: **M. A. (Monsoon Semester 2023)**

Course Title: **INTERNATIONAL LAW OF PEACE (IS 406 N)**
(General Principles of International Law – I)

Course Type (Core/Optional): Core

Course Teacher: **PROF. DR. BHARAT H DESAI**

Credits: Four

Contact Hours: **Four per week (Monday and Tuesday: 11 AM TO 1 PM)**

Course Objectives: The body of rules that came to be known as ‘international law’ or ‘law of nations’ has been in vogue since time immemorial. It has been practiced in all the great civilizations (even beyond Western European States) including ancient India where the rules of conduct, in times of peace and war, among the then states (*ganarajyas* or republics) were institutionalized. There is a huge volume of International Law that is habitually and faithfully complied with by most of the sovereign states. It provides *raison d’être* for the United Nations Charter (1945) – a multilateral treaty – a product of the system International Law. Within the limits of time and space, the course seeks to provide an understanding of the essential postulates of International Law that remains ‘at work’ through ‘law habit’ among the sovereign states.

Learning Outcomes: Taking International Law seriously as indispensable instrumentality for the conduct of international relations, providing solutions to the global *problematique* and maintenance of international peace and security.

Evaluation Method: Mid-semester and End-semester examinations

Course Content: see detailed course outline (attached)

Readings: see detailed course outline (attached)



JAWAHARLAL NEHRU UNIVERSITY
School of International Studies, New Delhi 110067
CENTRE FOR INTERNATIONAL LEGAL STUDIES

M.A. Core Course: Monsoon Semester 2023

International Law of Peace (IS 406 N)
(General Principles of International Law – I)
Course Teacher: Professor Dr. Bharat H Desai

[Done: 25 September 2023]

S.No.	Topic
1.	Nature, History and Function of International Law
2.	Relationship between Municipal Law and International Law
3.	Fundamental Principles of International Law
4.	Sources of International Law
5.	International Law of Treaties
6.	Subjects of International Law
7.	Jurisdiction of States
8.	International Law of State Responsibility
9.	Law of International Organization
10.	International Law of the Sea
11.	International Environmental Law
12.	International Human Rights Law

Recommended Readings

1. Nature, History and Function of International Law

Anand, R. P. (2009), "Influence of History on the Literature of International Law" in *Confrontation or Cooperation? International Law and the Developing Countries* (Delhi: Hope India Publication), Chapter 1, pp.1-52.

Alexandrowicz, C.H. (1968), *The Afro-Asian World and the Law of Nations: Historical Aspects, Recueil des Cours* 1968 I, Vol.123 (Leyden: A.W.Sijhoff, 1969).

Desai, Bharat H. (2023), "The Era of a Planetary Crisis: Making International Law Work", *Prof.R.P.Anand Memorial Lecture*, JGU, 14 September 2023; (1) [Professor \(Dr.\) RP Anand Memorial Lecture - YouTube](#); (2) [Professor Dr RP Anand Memorial Lecture by Prof Bharat Desai on 14 Sept 2023](#) (3) [CILS | Welcome to Jawaharlal Nehru University \(jnu.ac.in\)](#)

_____ (2023), "India's G20 Presidency: Making International Law Work", JNU School of International Studies, 05 September 2023; **Swayam Prabha TV Channel**.

_____ (2023), "The Global order in Perplexity: Making International Law Work", *Valedictory Address at Indian Society of International Law*, 04 March 2023; (1) [Valedictory Address at Int. Conf of the Indian Society of International Law, ND by Prof Bharat Desai - YouTube](#); (2) [CILS | Welcome to Jawaharlal Nehru University \(jnu.ac.in\)](#)

Desai, Bharat H. (2022), "Factoring in International Law: Taking it Seriously", *A Note for the Standing Committee on External Affairs*, Parliament of India, Lok Sabha Secretariat, New Delhi, 11 January 2022.

Neff, Stephen C. (2010), "A Short History of International Law" in Malcolm D. Evans, *International Law*, 3rd ed. (Oxford: OUP), Chapter 1, pp. 3-31.

Sinha, S. Prakash (1967), *New Nations and the Law of Nations* (Leyden: A.W.Sijhoff).

2. Relationship between Municipal Law and International Law

Brownlie, Ian (2008), "The Relation of Municipal and International Law" in *Principles of Public International Law*, 7th ed. (Oxford: OUP), Chapter 2, pp.31-54.

Desai, Bharat H. (2021), "On the Protection of Women in Non-Resident Indian Marriages: An Interface Between Domestic Law and International Law", *Indian Journal of International Law*, vol.61, no.3-4, pp.215-250; published in June 2022; [The Indian Society of International Law \(isil-aca.org\)](#).

_____ (2022), “On Ensuring Protection of Women in NRI Marriages: Some Legal and Institutional Issues”, *Economic & Political Weekly*, Commentary, vol.57, no.29, 16 July 2022, pp.22-27 (Lead Author); [On Ensuring Protection of Women in the NRI Marriages : Some Legal and Institutional Issues | Economic and Political Weekly \(epw.in\)](#)

_____ (2007), “Effectuation of International Environmental Law at the National Level: Some Comparative Trends in South Asia”, *Banyan* (Lahore), *Special Issue on The Environment: Policy & Practice*, vol.5, pp.55-64.

Shaw, Malcolm N. (2003), “International Law and Municipal Law” in *International Law*, 5th ed. (Cambridge: CUP), Chapter 4, pp.120-174.

Mani, V.S. (1995), “Effectuation of International Law in the Municipal Legal Order: The Law and Practice in India,” *Asian Yearbook of International Law*, vol.5, pp.145-74.

3. Fundamental Principles of International Law

United Nations (1970), *Declaration on Principles of International Law Concerning Friendly Relations and Cooperation Among States in Accordance with the Charter of the United Nations*, General Assembly Resolution 2625 (XXV) of 24 October 1970, Annex; [NR034890.pdf \(un.org\)](#)

Desai, Bharat H. (2021), “Jadhav’ Fate Hangs in the Balance as Justice Denied”, *The Tribune*, 02 December 2021; [Clipping of Tribune India - The Tribune Clipping of Tribune India - The Tribune](#)

_____ (2021), “Gender-based Violence is a Global Challenge”, *The Tribune*, 02 November 2021; [Clipping of Tribune India - The Tribune](#)

_____ (2021), “India Should Tread with Caution in Afghanistan”, *The Tribune*, 30 August 2021; [Clipping of Tribune India - The Tribune](#); [Tribune India The Tribune, Mon, 30 Aug 21](#)

_____ (2020), “Respect for International Law Must Hold Sway”, *The Tribune*, 07 July 2020; <https://epaper.tribuneindia.com/2739822/The-Tribune/TT-07-July-2020#page/7/1>

_____ (2020), "Jadhav case: A Triumph of International Law", *The Tribune*, 20 July 2019; <https://epaper.tribuneindia.com/2249860/The-Tribune/TT-20-July-2019#page/13/1>

4. Sources of International Law

Cheng, Bin (1965), “UN Resolutions on Outer Space: ‘Instant’ International Customary Law,” *Indian Journal of International Law*, vol.5, pp.23-48.

Desai, Bharat H. (2021), “International Environmental Law-making”, Chapter 5, in Bharat H Desai, Ed., *Our Earth Matters: Pathways to a Better Common Environmental Future* (Amsterdam, Berlin, Washington DC: IOS Press), pp.43-62; [Our Earth Matters | IOS Press](#)

Falk, Richard A. (1966), “On the Quasi-Legislative Competence of the General Assembly,” *American Journal of International Law*, vol.60, pp.782-91.

Shaw, Malcolm N. (2003), *International Law*, 5th ed. (Cambridge: Cambridge University Press), pp. 65-119.

Weil, Prosper (1983), “Towards Relative Normativity in International Law?” *American Journal of International Law*, vol.77, pp.413-42.

5. International Law of Treaties

Brownlie, Ian (2008), “The Law of Treaties” in *Principles of Public International Law*, 7th ed. (Oxford: OUP), Chapter 27, pp.607-638.

Desai, Bharat H. (2021), “Sixty Years of the Indus Waters Treaty: A Look Ahead in Hydro-diplomacy and Treaty Law”, *Environmental Policy & Law* (Amsterdam: IOS Press), vol.51, no.3; available at: [Environmental Policy and Law - Volume 51, issue 3 - Journals - IOS Press](#)

_____ (2017), “Consular Access to Jadhav: Invoking International Law as an Instrument of State Policy”, *Economic and Political Weekly*, vol.52, no.42-43, 28 October 2017; [pdf \(epw.in\)](#)

_____ (2013), “Law of Treaties”, *Power Point Presentation*, Foreign Service Institute, Ministry of External Affairs, New Delhi, May 2013.

Shaw, Malcolm N. (2003), “The Law of Treaties” in *International Law*, 5th ed. (Cambridge: CUP), Chapter 16, pp.810-860.

6. Subjects of International Law

Desai, Bharat H. (2020), “UN Has Been at the Forefront of Multilateralism”, *The Tribune*, 02 October 2020; <https://www.tribuneindia.com/news/comment/un-has-been-at-frontline-of-multilateralism-149629>

Lauterpacht, E. (1970), Ed., “The Subjects of International Law” in *International Law: Being the Collection Papers of Hersch Lauterpacht*, vol. 1., (Cambridge: CUP), Chapter 5, pp.279-307.

Shaw, Malcolm N. (2003), *International Law*, 5th ed. (Cambridge: Cambridge Uni. Press), pp.175-246.

7. Jurisdiction of States

Desai, Bharat H. (2021), “India Should Tread with Caution in Afghanistan”, *The Tribune*, 30 August 2021; [Clipping of Tribune India - The Tribune](#); [Tribune India The Tribune, Mon, 30 Aug 21](#)

_____ (2020), “Respect for International Law Must Hold Sway”, *The Tribune*, 07 July 2020; <https://epaper.tribuneindia.com/2739822/The-Tribune/TT-07-July-2020#page/7/1>

_____ (2020), “ICJ Order on Rohingya Upholds Majesty of Law”, *The Tribune*, 29 January 2020; <https://epaper.tribuneindia.com/2529843/The-Tribune/TT-29-January-2020#page/9/2>

_____ (2019), "Jadhav case: A Triumph of International Law", *The Tribune*, 20 July 2019; <https://epaper.tribuneindia.com/2249860/The-Tribune/TT-20-July-2019#page/13/1>

_____ (2013) “International Law on Diplomatic Immunities & Privileges”, *Power Point Presentation*, Foreign Service Institute, Ministry of External Affairs, New Delhi.

_____ (2013), “International Law on Extradition”, *Power Point Presentation*, Foreign Service Institute, Ministry of External Affairs, New Delhi.

_____ (2013), “State Jurisdiction: Principles”, *Power Point Presentation*, Foreign Service Institute, Ministry of External Affairs, New Delhi.

Shaw, Malcolm N. (2003), *International Law*, 5th ed. (Cambridge: CUP), Chapter 12, pp.572-620.

8. International Law of State Responsibility

Brownlie, Ian (1998), *Principles of Public International Law* (London: Clarendon Press), pp.435-78.

Desai, Bharat H. (2023); “Taming the Beast: On the Global Regulation of Artificial Intelligence for a Safe Future”, [Taming the Beast: On the Global Regulation of Artificial Intelligence for a Safe Future \(sisblogjnu.wixsite.com\)](#); **SIS BLOG**, 24 July 2023.

_____ (2021), “Jadhav’ Fate Hangs in the Balance as Justice Denied”, *The Tribune*, 02 December 2021; [Clipping of Tribune India - The Tribune](#) [Clipping of Tribune India - The Tribune](#)

_____ (2021), “Promises and Compromises at COP26”, *The Tribune*, 16 November 2021; [Clipping of Tribune India - The Tribune](#)

_____ (2020), “Respect for International Law Must Hold Sway”, *The Tribune*, 07 July 2020; <https://epaper.tribuneindia.com/2739822/The-Tribune/TT-07-July-2020#page/7/1>

_____ (2020), “ICJ Order on Rohingya Upholds Majesty of Law”, *The Tribune*, 29 January 2020; <https://epaper.tribuneindia.com/2529843/The-Tribune/TT-29-January-2020#page/9/2>

Shaw, Malcolm (2003), *International Law*, 5th ed. (Cambridge: CUP), Chapter 14, pp.694-752.

United Nations (2005), *Responsibility of States for Internationally Wrongful Acts 2001*; Text adopted at 53rd Session of the International Law Commission; [Responsibility of States for Internationally Wrongful Acts \(2001\) \(un.org\)](#)

9. Law of International Organizations

Alvarez, Jose E. (2006), “International Organizations: Then and Now,” *American Journal of International Law*, Vol.100, pp.324-347. Published online, 27 February 2017; [International Organizations: Then and Now | American Journal of International Law | Cambridge Core](#)

Desai, Bharat H. (2022), *Sexual & Gender-Based Violence in International Law: Making International Institutions Work* (Singapore: Springer Nature); with co-author.

_____ (2021), “Chance for India to Make its Mark on UN Stage”, *The Tribune*, 09 August 2021; [Tribune India The Tribune, Mon, 9 Aug 21; Chance for India to make its mark on UN stage : The Tribune India](#)

_____ (2020), “Our Planet Needs Trusteeship to Meet Challenges”, *The Tribune*, 02 December 2020; available at: <https://epaper.tribuneindia.com/c/56724901> .

_____ (2020), “UN Has Been at the Forefront of Multilateralism”, *The Tribune*, 02 October 2020; <https://www.tribuneindia.com/news/comment/un-has-been-at-frontline-of-multilateralism-149629>

_____ (2000), “Revitalizing International Environmental Institutions: The UN Task Force Report and Beyond”, *Indian Journal of International Law*, vol.40, no.3, pp.455-504; Short listed and circulated at the First Meeting of the UNEP constituted *Open-ended Intergovernmental Group of Ministers on International Environmental Governance*, United Nations, New York, 18 April 2001.

Reparation for Injuries Suffered in the Service of the United Nations, Advisory Opinion, *ICJ Reports* 1949, pp.174-89.

Schermers, Herry G. and Niels M. Blokker (2018), *International Institutional Law*, 6th edition (Leiden: Brill Nijhoff); [International Institutional Law – Sixth Revised Edition | Brill](#).

10. International Law of the Sea

Anand, R.P. (1997), “Common Heritage of Mankind: Mutilation of an Ideal,” *Indian Journal of International Law*, vol.37, no.1, pp.1-18.

_____ (1982), *Origin and Development of the Law of the Sea: History of International Law Revisited*. (The Hague: Martinus Nijhoff)

Boyle, Alan E. (1997), “Dispute Settlement and the Law of the Sea Convention: Problems of Fragmentation and Jurisdiction”, *International and Comparative Law Quarterly*, Vol. 46, pp.37-54.

Churchill, R.R. and A.V. Lowe (1983), *The Law of the Sea* (Manchester: Manchester Uni. Press).

Desai, Bharat H., “United Nations Convention on Law of the Sea: An Overview” (compilation).

11. International Environmental Law

Boyle, Alan E. and Redgwell, C. (2021), *International Law and the Environment*, 4th Edition (Oxford: Clarendon Press); [Birnie, Boyle, and Redgwell's International Law and the Environment - Alan Boyle; Catherine Redgwell - Oxford University Press \(oup.com\)](#); 3rd Edition available at: [9780198764229.pdf \(oceanlaw.ru\)](#)

Desai, Bharat H. (2023), *Ed., Regulating Global Climate Change: From Common Concern to Planetary Concern* (IOS Press: Amsterdam, Berlin, Washington DC: 2023); [Regulating Global Climate Change | IOS Press](#)

_____ (2023); “The Audacity of Hope for People and Planet: Rescue Plan for 2030 SDGs”, [The Audacity of Hope for People and Planet: Rescue Plan for 2030 Sustainable Development Goals – Green Diplomacy](#); **GREEN DIPLOMACY**, 05 September 2023.

_____ (2022), *Ed. Envisioning Our Environmental Future* (IOS Press: Amsterdam, Berlin, Washington DC, 2022); [Road to Stockholm+50 and Beyond | Environmental Policy and Laws](#)

_____ (2022), “The Repurposed UN Trusteeship Council for the Future”, *Environmental Policy & Law*, vol.52, no.3-4, pp.223-235; “A New Mandate for the Revived UN Trusteeship Council”, *Environmental Policy & Law*, vol.51, no.1-2, pp.97-109.

_____ (2021), *Ed. Our Earth Matters: Pathways to a Better Common Environmental Future* (IOS Press: Amsterdam, Berlin, Washington DC); [Our Earth Matters | IOS Press](#)

_____ (2014), *International Environmental Governance: Towards UNEPO* (Boston: Brill Nijhoff); [International Environmental Governance – Towards UNEPO | Brill](#)

_____ (2013, 2010), *Multilateral Environmental agreements: Legal Status of the Secretariats* (New York: NY: Cambridge University Press); [crio.pdf \(cambridge.org\)](#)

_____ (2004), *Institutionalizing International Environmental Law* (New York: Transnational Publishers).

_____ (2012), “The Quest for a UN Specialized Agency for the Environment”, *The Round Table: The Commonwealth Journal of International Affairs*, 101:2, 167-179 (London); <http://dx.doi.org/10.1080/00358533.2012.661528>

_____ (2015), “The Advent of the UNEA”, *Insights*, vol.19, no.2, 15 January 2015; *American Society of International Law* (Washington DC): <http://www.asil.org/insights/volume/19/issue/2/advent-united-nations-environment-assembly>

12. International Human Rights Law

Desai, Bharat H. (2020), “On the Elimination of Female Genital Mutilation: Making International Human Rights Law Work”, *Indian Journal of International Law*, vol.60, no.3-4, pp.195-229; published in October 2021; [contents\(R\).pmd \(isil-aca.org\)](#)

Steiner, Henry J. and Philip Alston (2000), *International Human Rights in Context* (Oxford: Oxford University Press)

Onuma, Yasuaki (1997), “Towards an Inter-civilizational Approach to Human Rights,” *Asian Yearbook of International Law*, vol.7, pp.21-81.

Tyagi, Yogesh (2011), *The UN Human Rights Committee: Practice and Procedure* (Cambridge: Cambridge University Press); [6 x 10.Long new.P65 \(cambridge.org\)](#)
